

REMARKS

Prior to entry of this Amendment:

- Claims **1, 3 4 6-10, 13-32, 36-38 and 42-49** were pending in the present application
- Claims **1 and 3** stand rejected
- Claims **24-30** have been withdrawn
- Claims **10, 13-23, 31, 32, 36-38 and 42-29** are allowed

Upon entry of this Amendment, which is respectfully requested for the reasons set forth below:

- Claims **1, 3 4 6-10, 13-32, 36-38 and 42-49** will be pending
- Claim **1** will be amended

Initially, Applicant would like to thank the Examiner for finding claims **10, 13-23, 31, 32, 36-38 and 42-29** allowable. While Applicant believes all claims to be in condition for allowance prior to amendment, Applicant has made amendments and explanations for the record in accordance with Examiner's interview remarks and believes all claims to now be in condition for allowance.

A. Drawings

The drawings are presently objected to under 37 CFR §1.83(a) "because they fail to show the limitations of claim 10, i.e., a means for variably positioning the at least one dual track rail on the at least one keeper as described in the specification" [Current Office Action, page 2]. Applicant, respectfully, directs the Examiner's attention to Figure 1 and the last line of paragraph 34 of the Specification for a description of one embodiment of the present invention including "means for variably positioning the at least one dual track rail on the at least one keeper."

B. Claims

Section 102(b) Rejections

Claims 1 and 3 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,706,617 issued to Harai ("Harai"). Applicant respectfully traverses the Examiner's Section 102(b) rejections.

Applicant has clarified the distinctions between Harai by including the limitation that the rail is slidably engageable on a footing grid. However, as stated above, Applicant respectfully submits that the Examiner has failed to establish a prima facie case of anticipation of Independent Claim 1 before entry of the amendment.

Dependent claim 3 is dependent upon the Independent Claim 1 discussed above. As claim 3 incorporates the limitations of the respective independent claims above by reference, claim 3 is allowable at least for the same reasons discussed above.

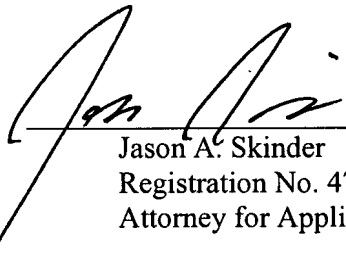
CONCLUSION

In view of the above amendment and comments, Applicant believes that all claims are allowable. Applicants submit that no new matter has been added by this Amendment. Early and favorable action is requested.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Jason Skinder at telephone number (202) 663-6436 or via electronic mail at jason.skinder@wilmerhale.com.

Respectfully submitted,

Date: June 8, 2007

A handwritten signature in dark ink, appearing to read 'Jason A. Skinder', is written over a horizontal line.

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